EXHIBIT K



Fair Hearing Worksheet

Member:

JESSICA MCKENNA

Member ID:

10000396

Method of Receipt:

Secure Email

Claim/Prior Authorization Number:

202316426198401

Requested Treatment:

 D7950 facial surgery for Upper Left Quadrant and Upper Right Quadrant:

 D7951 sinus augmentation for Upper Left Quadrant and Upper Right Quadrant.

Denied Reason (If the service denied for occlusion, be sure to include the teeth in occlusion): Services are only covered by your Health Plan for in network dentists. Our records do not show that your dentist is in our provider network. You may contact us for a dentist that is in network in your area. We have also told your dentist.

Timeline:

6/13/2023: Authorization 202316426198401 was submitted by Dr. Sean

Ference

Treatment submitted: D7950 facial surgery for Upper Left Quadrant and Upper Right Quadrant; D7951 sinus augmentation for Upper Left Quadrant and Upper Right

Quadrant.

6/14/2023:

Treatment was determined and denied

7/25/2023:

Member filed an appeal with DentaQuest. Complaints and

Grievance department received and created an appeal.

8/9/2023:

A resolution letter was submitted to the member and

provider with the outcome of the re-review.

8/23/2023:

Member filed a State Fair Hearing Request

State Fair Hearing Request

** REQUEST FOR FAIR HEARING ** NEW YORK STATE OFFICE OF TEMPORARY OAH - 1891 AND DISABILITY ASSISTANCE DATE CREATED 08/23/23 OFFICE OF ADMINISTRATIVE NOTICE OF FAIR HEARING REQUEST PAGE 2 HEARINGS CASE # : MA116440 CIN : EY34913K FAIR HEARING # : 8648464H DISPOSITION: UNIT : MASSI WORKER OFFICE : MA136 REPRESENTATIVE: LEGAL AID SOCIETY OF NENY CASE NAME : MCKENNA JESSICA REQUEST DATE YOANA N REQUEST SOURCE : 08/16/23 KOSTADINOVA : 292 CENTER LINE RD STREET 40 NEW STREET EMAIL : MIDDLE GROVE ST NY ZIP 12850 POST/FAX DATE : : 518-573-7269 SEX U DOB SOC SEC NUMBER : CITY PHONE SARATOGA SPRING NY 12866 DAI 518-587-5188 (446) HEARING DATE: / / TIME: : HO ASSIGNED: OLD HEARING OLD HO ASSIGNED: DATE/TIME: / / : HEARING TYPE: TELEPHONE HEARG SCHEDULE LOCATION : SCHEDULING RESTRICTIONS STATUS: T MTWTF AGENCY : SARA VNA INTERPRETER : TSSUE AM DATE: CATEGORY : MA SUB-CATEGORY: HOLD COMPLIANCE PM COMPLAINT: COMPLIANCE OBTAINED : ACTION TSSUES CAT AIDSTATUS NOTICE # NOTICE DATE EFFECTIVE DATE MA DENY 212 - MANAGED LONG TERM CARE CLINICAL ISSUES 06/14/23 06/14/23 INAD 998 - TELEPHONE HEARING FOR NON-HOMEBOUND APPELLANTS PLACE OF HEARING : SARATOGA CO DEPT OF SOCIAL SERVICES 152 WEST HIGH STREET BALLSTON SPA NY 12020 MA DENY: MLTC ISSUES (VNA HOMECARE, PLAN ID#03529059) COMMENTS: REQUESTOR: YOANA KOSTADINOVA, LEGAL REP REBUTTAL: DENIAL OF PRE-AUTHORIZATION FOR DENTAL SERVICES IS INCORRECT DUE TO NO IN NETWORK PROVIDER AVAILABLE TO PERFORM THE SERVICES, OUT OF NETWORK PROVIDER COVERAGE SHOULD BE AUTHORIZED. CLIENT IS HOMEBOUND AND CANNOT TRAVEL TO A HEARING LOCATION

PLE MEDICAL CONDITIONS, WE WILL POVIDE A MEDICAL NOTE.

MARK AS HOMEBOUND HEARING.

DUE TO

PLEASE

8/21/23

NBX/SKY

COPY SENT TO:

EXHIBIT A

Provider's Original Authorization Request & Supporting Documentation

Number (518) 489-3201

5186890035

REED FERENCE

PAGE 02/05

12:56:21 PM 2023164261984 ADA Dental Claim Form **ADA VERSION 2012** HEADER INFORMATION 1. Type of Trunsaction (Mark all applicable bostes) Request for PredolermineCon/Presulterization Resemble of Achtel Services EPSOT/TIDE XIX POLICYHOLDER: SUBSCRIBER (MPORMATION (For Insurance Company Named in 83) 2. Precision/institution/Presuthorization Number 12. Policyteiser/Superior Harris (Last, First, Middle Initial, Suffu), Address, City, State, Zip Code McKenna, Jessica INSTRANCE GUMPANY/DESTAL REMEFIT PLAN IMPORIMATION

3. Company/Plan Name, Address, City, State, Zip Code Middle Grove, NY 12650 DentaQuest 15. Policyholder/Subscriber ID (SSN or IDII) PO Box 2906 13. Date of Birth (MM/DD/DCYY) 14. Gender 10000396 Milwaukee, WI 53201-2906 M X F OTHER GOVERAGE (Mark applicable box and complete leave 6-19. if nove, leave black.)
4. Denter? Medical? (If both, complete 6-19 for dental only.) 16. Plantitoup routoer 17. Employer Name 6. Hame of Pologholder/Subscriber in 64 (Last, First, Middle Indied, Suffect PATIENT INFORMATION 18. Reserved For Future 18. Relationship to Policyholder/Subscriber in #12 Abox Self Spourse Department Child Other 8. Policyholder/Subscriber ID (BSN or IDIF) 4. Date of Birth (MONTOD/CCYY) 7. Gender 29. Name (Last, Fint, Mindle Inflict, Suffic), Address, City, State, Zip Code M DF 10. Publishes Relationship to Person married in 65 9, Plan/Group Humber Spouse Dapenders Cher 11. Other freurance Company/Dented Burell Plan Hame, Address, City. State, Zip Gode 23, Petert IDMoosunt # (Assigned by Dentist) 22. Gender 21, Data of 58th (MMDD/CCYY) ☐M ☐F 109415 40648 RECORD OF SERVICES PROVIDED A COM of Comb Comb 31. Fee 29. Tool Surface 30, Darobien 27. Togil) Harrison(4) or Letter(s) M. Preceive Del 3200.00 Sinus Graft/RidgeAugmen.-late D7951 10 |Binus Graft/RidgeAugmen.-late 3200.00 D7951 20. 2 3000.00 Guided bone regeneration 01 D7950 10 3000.00 Guided bone regeneration D7950 01 20 6 6 7 10 Sta. Other Fee(s) \$4, Otagrateta Code List Qualifier (ICD-0 = B; ICO-10 = A8) Séa, Diagnosis Coda(4) A_ 31. Table fee: 12400.00 22 31 30 29 29 27 28 25 24 29 22 21 21 30 40 16 17 (Primery degrade in "A") 55. Re ANCILLARY CLASSIFICATION INFORMATION AUTHORIZATIONS 36. I have been informed of the treatment plan and associated tens. I agree to be respectible for all charges for deated sentices and materials not paid by my dental benedit plan, unless probabilist by the dental benedit plan, unless probabilist by the contraction agreement with my plain probability of a portion of such charges. To the extent permitted by the, I accessed to your use and discinute of my protected health information to carry out payment activities in connection with this claim. 39. Englosures (Y or N) 36. Place of Yestmort 11 (s.e. 11-offer, 22-C/P Hospital) (Line "Place of Service Codes for Pentershood Childe") 41, Data Appliance Placed (MM/OD/CCYY) 40. In Treatment for Orthodontics? x Patient Signature on file 06/12/2023 49. Replacement of Prosthesis 44. Data of Prior Placement (MM/DDICCYY) 42. Months of Treatment DufuntiCustilen film Remarks No Yes (Complete 44) I hereby sufficies and direct payment of the dental benefits oftendes payable to me, directly to the below named dental or dental or figh. 45 Treatment Residing from Ofter accident Occupational Emakainthury Audo accident 47. Auto Accident State 48. Date of Appliant (MIMDD/CCYY) Date Subscriber Signature TREATING DENTIST AND TREATMENT LOCATION INFORMATION INCLAISED CHESTYLEY (OR DESETVAL ENTEYY (Losson blank if donder or dented order to not submitting distin on behalf of the patient or insured/author/fiber.) 53. I hereby carefy that the procedures on instincted by date are in progress (for procedures that require multiple visits) or have been completed. 48. Name, Address, City, State, 2th Code X Sean Ference 06/12/2023 Sean Ference DDS 838 Western Avenue Elgned (Treating Dentist) 85. License Number 061790 Albany, NY 12203 64 NPI 1609360999 Specially Code 1223P0300X 58. Address, City, State, Zip Code 51, 6SN or TIN 838 Western Avenue 60. Um es Nambit 46 MPL 872775809 Albany, NY 12203 1609360999 061790 87. Pione (518) 489-3201





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Reed Perence DDS, M. DENT. SC Sean Ference DDS, M. DENT. SC 838 Western Ave Albany, NY 12203 (518) 489-3201 w 4lbany perioand implants com

Fax

To:	Claims C	rof.	From:	La	we su	
Fax:	(262) 834.	The state of the s	Pages:	5		
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Name:

Jessica McKenna (109415).

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Image Name: , Med info

BEATTANES 1340 M M- TATETHERDER MORE LANGUESTER



40 New Street, Saratoga Springs, New York (2006) (MSD 628-0037 9: CS18) 567-5188 4 Fair (S18) 567-0959

This office stryet Foreign Herren and Westergton Changes

May 10, 2023

Mg Pestterife and: Sein Piretter D.D.S. 831 Weightn, Ave. Alberty MF 12200 Par. no.: 518-689-0015

In the Action McKeron, DOA:

Dear Dr. Ference:

Our office is assisting your patient, Ms. McKenna with an appeal of a prior authorization desiral by DecraQuert. Ms. McKenna phared with us that on or shown April 20, 2021, your coffice called Dimis Quest for a pre-authorization for services, which was verbally hedged. We say to the process of stimulating an uppeal of that water destrict. Please provide us with a copy of the copied for activities, or otherwise let us know the procedure codes, for the deaded services, We would like to include specific endes in the appeal request. Please and us a copy of the documents via fac to (\$18)587-5958, or call me at (\$18)587-5958, ext. 446 to provide the codes.

A HIPAA Amborization, signed by Ichica McKenm is anchood.

Should you have any questions or concerns about this request, please contact-me as ph: \$18-587-5188, est. 446. Thank you for your instituted with this matter.

Kindest regards,

Legal Ald Society of Northestern New York, Inc. by Yours Kanadidova, Big. Senior Assprinely 40 New Server Seraiora Springs NY 12866

Co. Jeseich Mickeine

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PAGE 05/05

Name:

Jessica McKenna (109415)

Image Name: Letter for ins

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PRIMARY CARE

Consider Chre Center

Adda Plansona, DDS, MS Director of Dental Servaces at Compiles Care Center 905 Calver Sd. Rochester, HY, 14609



Res Jestien, Melteriere

July 24, 2021

To whom II may concern,

Our mutual pelient leades Mellenne era recently seen for evaluation and treatment at The Complex Care Contex, Dental clinic, Saturate incitate for Cirel Health, University of Rechester.

This patient's complex meetical initions includes familial Cold Author/Species of Species, several processing perspecial interfficiency, amplifications for the second processing and the second process

History of profilence Jestics is \$4 y and forming in pay care the decays and predicts needs. We provided full mouth extractions at the Operating Proper pattings with plantered Anadalysis on \$/2020, We interpreted computers planted on \$/2020, undertunately with pide affect of possible revers book effection to payric bears of the descripts.

Result on climan and it may stated exemination the ategrants includes:

- Education results and managing.

The current executiveset suggested

- Patient has been treated at our recommunication at CIA Strong receptly and all commissing teath were removed during general

- Our treatment plan included replacing the outsing teach with dentures.
 Patient experienced legalized allegic reactions to acrylic besses of dentures and did not solerate to wear the denture.
 Patient is straighted with food littake as she is not able to see the dentures and it affects her well-sing.
 Alternative treatment plan straight include placement of implicit which would support manifery and mandibular bridges or overdenture, quantity this treatment is not operand by retorence.

agentar's underling profited therips limits have shiftly to unform and manage a requiremble deplace system. We suggest to restore
the Residue of destifier by treatment discreptive of final hedges applicated by brokeris due to destine of destining health
day by regimentation. We believe that restoration of destition will be selly profite to restorate.

Thank you for consideration to support this treatment plan. Bast Regards.

Adels Planerovs, DDS, MS

906 Calver Rd., Rockosov, MY 14409 Appelestaceae: 565-379-7880

WWW.ctc.ormic.odu

EXHIBIT B

DentaQuest's Authorization
Determination Letter to Provider

DentaQuest - Authorization Determination

Please address questions to:

DentaQuest

DentaQuest IPA of New York, LLC PO BOX 2906 Milwaukee, WI 53201-2906

Phone: (888) 308-2508 Fax: (262) 834-3589

Sean Ference 838 Western Ave Albany, NY 12203

Provider:

Sean Ference

Service Office:

Sean Ference DDS 838 Western Ave Albany, NY 12203

File Number:

202316426198401

Receipt Date: 06/13/2023

Determination Date: 06/14/2023

Mail Date: June 14, 2023

Member:

10000396

JESSICA MCKENNA

DOB:

SubGroup:

Group: NY N

NY Nascentia Health Inc

NY Nascentia Health Adult

Medicaid MLTC

Procedur	e:	Tooth ID	Qty	Status	Determination Type	Determination Reason	Additional Denial
D7951	sinus augmentation	Upper Right Quadra nt	1	Denied	Admin	Services provided by an Out-of- Network or Non-contracted provider are not provided under this benefit program.	
D7951	sinus augmentation	Upper Left Quadra nt	1	Denied	Admin	Services provided by an Out-of- Network or Non-contracted provider are not provided under this benefit program.	
D7950	osseous, osteoperiosteal, or cartilage graft of the mandible or maxilla - autogenous or nonautogenous, by report	Upper Right Quadra nt	1	Denied	Admin	Services provided by an Out-of- Network or Non-contracted provider are not provided under this benefit program.	
D7950	osseous, osteoperiosteal, or cartilage graft of the mandible or maxilla - autogenous or nonautogenous, by report	Upper Left Quadra nt	1	Denied	Admin	Services provided by an Out-of- Network or Non-contracted provider are not provided under this benefit program.	

Expiration Date: 12/11/2023



Auth Priority: Standard

Documentation Requested: N/A

HLD Index/Salzmann/Ortho Score: N/A

SPU Information: N/A

Facility Name: N/A

Tentative Date of Service: N/A

Medical Auth Number: N/A

Medical Auth Effective Start Date: N/A

Medical Auth Effective End Date: N/A

Additional Comments:

*** IMPORTANT: DO NOT RETURN THIS AUTHORIZATION LETTER. ALL CORRESPONDENCE MUST BE SUBMITTED ON A 2006 OR GREATER ADA CLAIM FORM FOR AUTHORIZATION REQUESTS OR PAYMENT REQUESTS.

ANY REQUESTS NOT RECEIVED ON THE APPROPRIATE ADA CLAIM FORM WILL BE RETURNED TO YOUR OFFICE

Receipt of this notification in no way guarantees or implies payment will be made. Payment is contingent upon clinical criteria and/or the member's eligibility and benefit allowance on the date of determination. All appeals should be directed to DentaQuest in writing at DentaQuest, Attn: Appeals PO Box 2906, Milwaukee, WI 53201 within sixty (60) calendar days for pre-service or post-service requests. All documents, records, and other information to support the appeal, including any written comments, should accompany the written appeal request. The provider may appeal on behalf of the member as an authorized representative. The provider or member may request the appeal to be expedited. A written notice of appeal determination will be sent within thirty (30) calendar days from receipt of seventy-two (72) hours for expedited requests. If a provider has questions or concerns regarding the determination, they may speak with a Dental Consultant during regular business hours. Providers and members may request a written copy of the clinical criteria or benefit provision used in the determination by calling DentaQuest at 1-(888) 308-2508.



EXHIBIT C

DentaQuest's Initial Adverse Determination Letter to Member DentaQuest PO Box 2906 Milwaukee, WI 53201-2906

06142023206864M

JESSICA MCKENNA PO BOX 83 MIDDLE GROVE, NY 12850

Authorization Reference Number: 202316426198401

* The CDT Code and Nomenclature in this notice are obtained from Current Dental Terminology (including procedure codes, nomenclatures, descriptors and other data contained therein) ("CDT"). CDT is copyright ©2023 American Dental Association. All rights reserved. Applicable FARS/DFARS apply.





1050 West Genesee Street



988.477.HOME

nascentiahealthoptions.org

INITIAL ADVERSE DETERMINATION **DENIAL NOTICE**

June 14, 2023

JESSICA MCKENNA PO BOX 83 MIDDLE GROVE, NY 12850

Enrollee Number: 10000396

Coverage Type: MLTC Partial Capitation Plan

Service: D7950 facial surgery for Upper Left Quadrant and Upper Right Quadrant D7951 sinus augmentation for Upper Left Quadrant and Upper Right Quadrant

Provider: Sean Ference

Plan Reference Number: 202316426198401

Dear JESSICA MCKENNA:

This is an important notice about your services. Read it carefully. If you think this decision is wrong, you can ask for a Plan Appeal by 08/13/2023. You are not responsible for payment of covered services and this is not a bill. Call this number if you have any questions or need help: 1-888-477-4663.

Why am I getting this notice?

On June 13, 2023, you or your provider asked for D7950 facial surgery for Upper Left Quadrant and Upper Right Quadrant D7951 sinus augmentation for Upper Left Quadrant and Upper Right Quadrant provided by Sean Ference.

You are getting this notice because DentaQuest on behalf of Nascentia Health Options has denied your request for services.

Why did we decide to deny the request?

On June 14, 2023, DentaQuest on behalf of Nascentia Health Options decided to deny this service because:

the service can be provided by a participating provider.

- The request for sinus augmentation, Upper Right Quadrant was denied.
- The request for sinus augmentation, Upper Left Quadrant was denied.
- The request for facial surgery, Upper Right Quadrant was denied.



- The request for facial surgery, Upper Left Quadrant was denied.
- This decision was based on:
- Services are only covered by your Health Plan for in network dentists. Our records do not show that your dentist is in our provider network. You may contact us for a dentist that is in network in your area. We have also told your dentist.

What if I don't agree with this decision?

If you think our decision is wrong, you can tell us why and ask us to change our decision. This is called a **Plan Appeal**. There is no penalty and we will not treat you differently because you asked for a Plan Appeal.

You have <u>60 calendar days</u> from the date of this notice to ask for a Plan Appeal. The deadline to file a Plan Appeal is **08/13/2023**.

Who can ask for a Plan Appeal?

You can ask for a Plan Appeal, or have someone else ask for you, like a family member, friend, doctor, or lawyer. If you told us before that someone may represent you, that person may ask for the Plan Appeal. If you want someone new to act for you, you and that person must sign and date a statement saying this is what you want. Or, you can both sign and date the attached Plan Appeal Request Form. If you have any questions about choosing someone to act for you, call us at: 1-888-477-4663. TTY users call 711.

You can also call the Independent Consumer Advocacy Network (ICAN) to get free, independent advice about your coverage, complaints, and appeals' options. They can help you manage the appeal process. Contact ICAN to learn more about their services:

Independent Consumer Advocacy Network (ICAN)
Community Service Society of New York
633 Third Ave, 10th Floor
New York, NY 10017

Phone: 1-844-614-8800 (TTY Relay Service: 711)
Web: www.icannys.org | Email: ican@cssny.org

Are you having trouble getting the substance use disorder or mental health services that you need?

The Community Health Access to Addiction and Mental healthcare Project (CHAMP) is an ombudsman program that can help you with insurance rights and getting coverage for your care.

CHAMP can help! Contact:

Community Health Access to Addiction and Mental Healthcare Project (CHAMP)

Community Service Society of New York

633 Third Ave, 10th Floor

New York, NY 10017

Phone: 1-888-614-5400 (TTY Relay Service: 711)

Web: https://www.cssny.org/programs/entry/community-health-access-to-addictionand-mental-healthcare-project-champ **Email:** ombuds@oasas.ny.gov



How do I ask for a Plan Appeal?

You can call, write or visit us to ask for a Plan Appeal. You or your provider can ask for your Plan Appeal to be **fast tracked** if you think a delay will cause harm to your health. **If you need help, or need a Plan Appeal right away, call us at 1-888-477-4663.**

Step 1 – Gather your information.

When you ask for a Plan Appeal, or soon after, you will need to give us:

- Your name and address
- Enrollee number
- Service you asked for and reason(s) for appealing
- Any information that you want us to review, such as medical records, doctors' letters or other information that explains why you need the service.
- Any specific information needed for the plan to render a decision on appeal.

If your Plan Appeal is fast tracked, there may be a short time to give us information you want us to review.

To help you prepare for your Plan Appeal, you can ask to see the guidelines, medical records and other documents we used to make this decision. You can ask to see these documents or ask for a free copy by calling 1-888-477-4663.

Step 2 - Send us your Plan Appeal.

Give us your informati	on and materials by phone, fax, mail or in person:
Phone	1-888-477-4663
Fax	315 - 870-7788
	1050 West Genesee Street, Syracuse, NY 13204
In Person	1050 West Genesee Street, Syracuse, NY 13204

To send a written Plan Appeal, you may use the attached Appeal Request Form, but it is not required. Keep a copy of everything for your records.

What happens next?

We will tell you we received your Plan Appeal and begin our review. We will let you know if we need any other information from you. If you asked to give us information in person, Nascentia Health Options will contact you (and your representative, if any).

We will send you a free copy of the medical records and any other information we will use to make the appeal decision. If your Plan Appeal is fast tracked, there may be a short time to review this information.

We will send you our decision in writing. If fast tracked, we will also contact you by phone. If you win your Plan Appeal, your service will be covered. If you lose your Plan Appeal, we will send you our Final Adverse Determination. The Final Adverse Determination will explain the reasons for our decision and your appeal rights. If you lose your Plan Appeal, you may request a Fair Hearing and, in some cases, an External Appeal.



When will my Plan Appeal be decided?

<u>Standard</u> — We will give you a written decision as fast as your condition requires but no later than 30 calendar days after we get your appeal.

Fast Track –We will give you a decision on a fast track Plan Appeal within 72 hours after we get your appeal.

Your Plan Appeal will be fast tracked if:

- A delay will seriously risk your health, life, or ability to function;
- Your provider says the appeal needs to be faster;
- You are asking for more of a service you are getting right now;
- You are asking for home care services after you leave the hospital;
- You are asking for more inpatient substance abuse treatment at least 24 hours before you are discharged; or
- You are asking for mental health or substance abuse services that may be related to a court appearance.

If your request for a Fast Track Plan Appeal is denied, we will let you know in writing and will review your appeal in the standard time.

For both Standard and Fast Track - If we need more information about your case, and it is in your best interest, it may take up to 14 days longer to review your Plan Appeal. We will tell you in writing if this happens.

You or your provider may also ask the plan to take up to 14 days longer to review your Plan Appeal.

Can I ask for a State Fair Hearing?

You have the right to ask the State for a Fair Hearing about this decision <u>after</u> you ask for a Plan Appeal and:

 You receive a Final Adverse Determination. You will have 120 days from the date of the Final Adverse Determination to ask for a Fair Hearing;

OR

• The time for us to decide your Plan Appeal has expired, including any extensions. If you do not receive a response to your Plan Appeal or we do not decide in time, you can ask for a Fair Hearing. To request a Fair Hearing call 1-800-342-3334 or fill out the form online at http://otda.nv.gov/oah/FHReg.asp.

Do I have other appeal rights?

You have other appeal rights if your plan said the service was: 1) not medically necessary, 2) experimental or investigational, 3) not different from care you can get in the plan's network, or 4) available from a participating provider who has the correct training and experience to meet your needs.

For these types of decisions, if we do not answer your Plan Appeal on time, the original denial will be reversed.



For these types of decisions, you may be eligible for an External Appeal. An External Appeal is a review of your case by health professionals that do not work for your plan or the State. You may need your doctor's help to fill out the External Appeal application.

Before you ask for an External Appeal:

- You must file a Plan Appeal and get the plan's Final Adverse Determination; or
- If you ask for a Fast Track Plan Appeal, you may also ask for a Fast Track External Appeal at the same time; or
- You and your plan may jointly agree to skip the Plan Appeal process and go directly to the External Appeal.

You have 4 months to ask for an External Appeal from when you receive your plan's Final Adverse Determination, or from when you agreed to skip the Plan Appeal process.

To get an External Appeal application and instructions:

- Call Nascentia Health Options at 1-888-477-4663; or
- Call the New York State Department of Financial Services at 1-800-400-8882; or
- Go on line: www.dfs.ny.gov

The External Appeal decision will be made in 30 days. Fast track decisions are made in 72 hours. The decision will be sent to you in writing. If you ask for an External Appeal and a Fair Hearing, the Fair Hearing decision will be the final decision about your benefits.

Other help:

You can file a complaint about your managed care at any time with the New York State Department of Health by calling 1-866-712-7197.

You can call Nascentia Health Options at 1-888-477-4663 if you have any questions about this notice.

Sincerely,

Utilization Management Department DentaQuest

Enclosure: Appeal Request Form

cc: Sean Ference



Nascentia Health Options APPEAL REQUEST FORM FOR DENIAL OF SERVICES

Mail this form to: Nascentia Health Options 1050 West Genesee Street	Fax to: 315-477-9590
Syracuse, NY 13204	
Today's da	e:
Deadline: If you want a Plan Appeal, you must date of this notice to ask for a Plan Appeal. The decision is 08/13/2023 .	ask for it on time. You have 60 days from the last day to ask for a Plan Appeal about this
Enrollee Information Name: JESSICA MCKENNA Enrollee ID: 10000396 Address: PO BOX 83 MIDDLE GROVE, Note that the plan is service being Denied: D7950 facial surgery for D7951 sinus augmentation for Upper Left Quart I think the plan's decision is wrong because	e: Upper Left Quadrant and Upper Right Quadrant drant and Upper Right Quadrant
Check all that apply: ☐ I request a Fast Track Appeal because a ☐ I enclosed additional documents for revie ☐ I would like to give information in person ☐ I want someone to ask for a Plan Appeal • Have you authorized this person with • Do you want this person to act for you decision? You can let us know if chair	ew during the appeal. for me: Nascentia Health Options before? YES □ NO□ u for all steps of the appeal or fair hearing about this
Requester (person asking for me)	
Name:	E- mail:
Address:	
City: State:	Zip Code:
Phone #: () Fa	× #: ()
Enrollee Signature:	
Requester Signature:	Date:



If this form cannot be signed, the plan will follow up with the enrollee to confirm intent to appeal.

NOTICE OF NON-DISCRIMINATION

Nascentia Health Options complies with Federal civil rights laws. Nascentia Health Options does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

Nascentia Health Options provides the following:

- Free aids and services to people with disabilities to help you communicate with us, such as:
 - Qualified sign language interpreters
 - Written information in other formats (large print, audio, accessible electronic formats, other formats)
- Free language services to people whose first language is not English, such as:
 - Qualified interpreters
 - Information written in other languages

If you need these services, call **Nascentia Health Options** at 1-888-477-4663. For TTY/TDD services, call TTY/TDD 711.

If you believe that **Nascentia Health Options** has not given you these services or treated you differently because of race, color, national origin, age, disability, or sex, you can file a grievance with **Nascentia Health Options** by:

Mail:

1050 West Genesee Street, Syracuse, NY 13204

Phone:

1-888-477-4663 (for TTY/TDD services, call 711)

Fax:

315-870-7788

In person: 1050 West Genesee Street, Syracuse, NY 13204

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights by:

Web:

Office for Civil Rights Complaint Portal at

https://ocrportal.hhs.gov/ocr/portal/lobby.jsf

Mail:

U.S. Department of Health and Human Services

200 Independence Avenue SW., Room 509F, HHH Building

Washington, DC 20201

Complaint forms are available at

http://www.hhs.gov/ocr/office/file/index.html

Phone:

1-800-368-1019 (TTY/TDD 800-537-7697)



ATTENTION: Language assistance services, free of charge, are available to you. Call 1-888-477-4663 TTY/TDD 711.	English
ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-888-477-4663 TTY/TDD 711.	Spanish
注意:如果您使用繁體中文,您可以免費獲得語言援助服務。請致電 1-888-477-4663 TTY/TDD 711.	Chinese
ملحوظة: إذا النات تناحدت اذالو الناعة، لمان خدمات العراعدة الناغوية لتوالو لك بالمجان. الصلبرقم TTY/TDD711 ح)رقم هائف الهرم والله 4-888-477-4663	Arabic
주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수	Korean
있습니다1-888-477-4663 TTY/TDD 711 번으로 전화해주십시오.	
ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-888-477-4663 (телетайп: TTY/TDD 711).	Russian
ATTENZIONE: In caso la lingua parlata sia l'italiano, sono disponibili servizi di assistenza linguistica gratuiti. Chiamare il numero 1-888-477-4663 TTY/TDD 711.	Italian
ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-888-477-4663 TTY/TDD 711.	French
ATANSYON: Si w pale Kreyòl Ayisyen, gen sèvis èd pou lang ki disponib gratis pou ou. Rele 1-888-477-4663 TTY/TDD 711.	French Creole
אויפמערקזאם:אויב איר רעדט אידיש, זענען פארהאן פאר אייך שפראך הילף סערוויסעס פריי פון אפצאל. רופט >1-888-477-4663/TTY/TDD.	Yiddish
UWAGA: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer1-888-477-4663 TTY/TDD 711	Polish
PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa <1-888-477-4663/TTY/TDD 711.	Tagalog
নক্ষ্য করুনঃ যদ্য অপ্রদন বাাংলা, কথা বলত ে পাত্রেন, োহতল দনঃখ্রেচায় ভাষা সহায়েো পদতেষবা উপলব্ধ আত্র	Bengali
ফ ান করুন ১- <toll 711<="" 888-477-4663="" td="" tdd="" tty=""><td></td></toll>	
KUJDES: Nëse flitni shqip, për ju ka në dispozicion shërbime të asistencës gjuhësore, pa pagesë. Telefononi në <1-888-477-4663 TTY/TDD 711.	Albanian
ΠΡΟΣΟΧΗ: Αν μιλάτε ελληνικά, στη διάθεσή σας βρίσκονται υπηρεσίες γλωσσικής υποστήριξης, οι οποίες παρέχονται δωρεάν. Καλέστε 1-888-4774663 TTY/TDD 711.	Greek
خبردار : اگر آپ اردو بولتے میں، ثر آپ کو لپان کئی مدد کئی خدمانت مفت میں دستیاب میں ۔ کال کرنں >1-888-477-4663 711TTY.	Urdu



EXHIBIT D

Member's Appeal

07/25/2023 09:41 AM TO:13158707788 FROM:8773069113

Page: 1

Fax Transmission

To: Dentaquest obo Nascentia

From: saratogafax@lasnny.org

Fax: 13158707788

Date: 7/25/2023 9:41:26 AM EDT

RE: appeal request

Pages: 18

Comments:

Please see enclosed expedited appeal request with enclosures.

Thank you, Yoana 07/25/2023 09:41 AM TO:13158797788 FROM:8773069113

Page: 2



40 New Street, Saratoga Springs, New York 12866 (833) 628-0087 I (518) 587-5188 I Fax: (518) 587-0959

This office serves Saratoga, Warren and Washington Counties

James E. Hacker President

Nic Rangel, Esq. Executive Director Peter D. Racette Deputy Director Wendy Wahlberg Deputy Director Erica Ludwick Deputy Director

July 25, 2023

Via facsimile to: 315-870-7788
DentaQuest o/b/o
Nascentia Health Options
1050 West Genesee Street
Syracuse New York 13204

REQUEST FOR FAST TRACK/EXPEDITED PLAN APPEAL

In re: Jessica McKenna, DOB:

Enrollee Number 10000396; ph.no.: (518) 573-7269.

Dear DentaQuest:

Our office represents your enrollee Ms. Jessica McKenna. We are in receipt of your Initial Adverse Determination Denial Notice Dated June 14, 2023, with plan reference number: 202316426198401. We hereby request an expedited/fast track appeal of the determination, because Ms. McKenna's conditions are deteriorating due to the lack of dentition. A letter from Ms. McKenna's healthcare provider explaining her health issues and the need for expedited appeal is enclosed herein as Exhibit A.

On June 13, 2023, Dr. Ference requested approval for the following services: D7950 facial surgery for Upper Left Quadrant and Upper Right Quadrant; and D7951 sinus augmentation for Upper Left Quadrant and Upper Right Quadrant.

We hereby request reversal of the denial and approval of the services.

According to the NY State Medicaid Dental Policy and Procedure Code Manual procedure codes D7950 and D7951 are services covered under the Medicaid plan. See pg. 58, 70 of the Manual. See Exhibit B.

In your Denial Notice you state that: "On June 14, 2023, DentaQuest on behalf of Nascentia Health Options decided to deny this service because: the service can be provided by a participating provider."

"The decision was based on:

Services are only covered by your Health Plan for in network dentists.
 Our records do not show that your dentist is in our provider network.





You may contact us for a dentist that is in network in your area. We have also told your dentist."

This statement is both incorrect and renders your notice a legal nullity. You have failed to comply with the requirements for adequate notice under 18 NYCRR 358-3.3(a) and 18 NYCRR 358-2.2(a). It is also incorrect and misleading to claim that Ms. McKenna's health plan only covers in network dentists, for the reasons more fully described below. Additionally, Ms. McKenna has reached out on numerous occasions to the plan to find in network dentists. No dentists specializing in prosthodontics, dental anesthesia and implants are available in network in her area. Should there be a participating provider with such specializations in Ms. McKenna's area, please notify us immediately.

The only referral that was ever given to Ms. McKenna for an in-network provider was for a clinic in Schenectady, New York – Hometown Health Centers. They provide only primary and preventative care. They do not have specialists on staff that Ms. McKenna requires due to her complex medical conditions, including but not limited to prosthodontists and dental anesthesiologists. Ms. McKenna's providers have also opined that due to her medical conditions she requires specialized care which cannot be rendered in a clinical setting. Please see enclosed medical notes from Ms. McKenna's primary care provider Amanda A. Devine, NP and from Dr. Ference confirming that the surgeries and procedures which Ms. McKenna needs are not appropriate for a clinic setting, and that given her complicated medical history she requires the care of a specialist. See Exhibit C.

As a health plan, you have an obligation to provide your enrollees with adequate care to address their medical needs, including dental needs. Section 506.2(a) of 18 NYCRR provides that dental care in the Medical Assistance program shall include dental prosthetic and orthodontic appliances required to alleviate a serious health condition including one which affects employability. In order for Medicaid to cover dental implants and implant related services, the request for prior approval must include a letter from the patient's physician explaining how implants will alleviate the patient's medical condition and a letter from the patient's dentist explaining why other covered functional alternatives for prosthetic replacement will not correct the patient's dental condition. New York State Medicaid Program Provider Manual for Dental Procedure Codes Section VIII.

Here, Ms. McKenna has fully complied with the legal requirements for the services to be approved. She has provided a pre-authorization request in which both her dentists and her physician's office explain how implants will alleviate her medical conditions, and why other covered functional alternatives for prosthetic replacement will not correct her dental condition(s). Notably, Ms. Mckenna's teeth have been extracted, she is unable to tolerate removable dentures due to her medical

conditions, which leave implants and related bridgework as the only viable option for restoring her dentition.

Further, The Medicaid Managed Care/Family Health Plus/HIV Special Needs Plan Model Contract, which you as Medicaid Contractor are bound by, advises, in relevant part: if the Contractor "does not have a Participating Provider with appropriate training and experience to meet the particular health care needs of an Enrollee, the Contractor shall make a referral to an appropriate Non-Participating Provider, pursuant to a treatment plan approved by the Contractor in consultation with the Primary Care Provider, the Non-Participating Provider and the Enrollee or the Enrollee's designee. The Contractor shall pay for the cost of the services in the treatment plan provided by the Non-Participating Provider for as long as the Contractor is unable to provide the service through a Participating Provider." (emphasis added.)

Also, the Nascentia Health Options Member Handbook states that Nascentia approves dental prior authorizations for services. See page 15-16 of the Handbook. The Handbook expressly states that if no in network providers are available "Nascentia Health Options will work with providers outside of our network for you to get medically necessary services that are covered." See Handbook pg. 5.

Because no in network providers are available to meet Ms. McKenna's specialized needs, and Ms. McKenna's dental and primary care provider have proposed an appropriate treatment plan for medically necessary services, her treatment with the non-participating provider should be approved.

Further, there is no doubt that Ms. McKenna's lack of dentition affects her employability, because she is a chef by profession, thus both the medical necessity to alleviate a serious health condition and the employability criteria of Section 506.2(a) of 18 NYCRR are met.

For the foregoing reasons, we respectfully request that you review Ms. McKenna's case and rescind your Initial Adverse Determination Denial Notice dated June 13, 2023. We request that the services requested by Dr. Ference be approved as necessary out of network treatment for Ms. McKenna. We believe expedited review of our appeal request is appropriate as Ms. McKenna's health continues to deteriorate daily due to pain and malnutrition, caused by the absence of adequate dentition.

We are enclosing here a letter from Dr. Ference which explains the complexity of Ms. McKenna's case and the need for specialized treatment, and a letter from her primary care provider attesting the same. Exhibit C. We are also enclosing relevant parts of the Nascentia Handbook for your review. Exhibit D.

EXHIBIT F

Provider List



a Sun Life company

Provider Search Results Directory

Plan name

Nascentia Health Adult Medicaid MLTC

Date created

09/01/23

Prepared by

Clty

Middle Grove

State

New York

Country

USA

Distance

25

Specialties:

General Dentistry, Oral & Maxillofacial Surgery, Pediatric Dentistry

1.00/04/33

General Dentistry

Hoppe, Thomas H | New Dimensions in Health care | 40 Wall St., AMSTERDAM NY, 12010 | 13.5 Miles | (518) 843-2575

Specialities: General Dentistry | Gender: Not Specified | Languages Spoken: English | Accepting New

patients: Yes | Board Certified: No

Mori, Judith | New Dimensions in Health care | 40 Wall St., AMSTERDAM NY, 12010 | 13.5 Miles | (518) 843-2575

Specialities: General Dentistry | Gender: Female | Languages Spoken: English, Portuguese, Spanish

| Accepting New patients : Yes | Board Certified : No

Mukherjee, Subrata | New Dimensions in Health care | 40 Wall St., AMSTERDAM NY, 12010 | 13.5 Miles | (518) 843-2575

Specialities: General Dentistry | Gender: Male | Languages Spoken: English, Portuguese, Hindi,

Spanish, Bengali | Accepting New patients : Yes | Board Certified : No

Regal, Maria E | New Dimensions in Health care | 40 Wall St., AMSTERDAM NY, 12010 | 13.5 Miles | (518) 843-2575

Specialities: General Dentistry | Gender: Female | Languages Spoken: English, Spanish | Accepting

New patients: Yes | Board Certified: No

Hariri, Maryam | maryam hariri | 368 Broadway Ste 18, SARATOGA SPRINGS NY, 12866 | 13.7 Miles | (518) 450-7111

Specialities: General Dentistry | Gender: Female | Languages Spoken: English | Accepting New

patients: Yes | Board Certified: No

Zandieh, Kayhan S | Johnstown Family Dental, PLLC | 700 Fon Clair St, JOHNSTOWN NY, 12095 | 17.3 Miles | (518) 762-1990

Specialities: General Dentistry | Gender: Male | Languages Spoken: English, Persian, Farsi, Spanish

| Accepting New patients : Yes | Board Certified : No

Boolchandani, Mohan K | Mohan K Boolchandani DDS | 7 S William St, JOHNSTOWN NY, 12095 | 17.6 Miles | (518) 762-8860

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

Abdul-Haqq, Jeremy J | McDonnell and McMahon Pediatric Dentistry PLLC | 713 Pierce Road, CLIFTON PARK NY, 12065 | 20.2 Miles | (518) 373-1181

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

Chen, Lawrence | McDonnell and McMahon Pediatric Dentistry PLLC | 713 Pierce Road, CLIFTON PARK NY, 12065 | 20.2 Miles | (518) 373-1181

Specialities: General Dentistry | Gender: Male | Languages Spoken: English, Chinese, Spanish,

Mandarin Chinese | Accepting New patients : Yes | Board Certified : No

Zhownirovych, Solomia | McDonnell and McMahon Pediatric Dentistry PLLC | 713 Pierce Road, CLIFTON PARK NY, 12065 | 20.2 Miles | (518) 373-1181

Specialities: General Dentistry | Gender: Female | Languages Spoken: Ukrainian, English | Accepting

New patients: Yes | Board Certified: No

Abdullah, Sinan A | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English, Spanish | Accepting New

patients: Yes | Board Certified: No

Forhad, Mohammed | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

Khair, Mohammed A | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental

Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English, Urdu, Spanish |

Accepting New patients: Yes | Board Certified: No

O'Neil, Trevor N | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English, Spanish | Accepting New

patients: Yes | Board Certified: No

Ogden, Rory A | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Female | Languages Spoken: English | Accepting New

patients: Yes | Board Certified: No

Perry-Friedman, Henry N | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

Tadele, Demisse | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

Wesacz, Colin | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

Mostavi, Atefeh | Denna Dental | 15 Clifton Country Rd #5, CLIFTON PARK NY, 12065 | 22.1 Miles | (518) 693-1747

Specialities: General Dentistry | Gender: Female | Languages Spoken: English, Gujarati, Hindi,

Spanish | Accepting New patients : Yes | Board Certified : No

Elsafty, Tarek Y | Waterview Family Dentistry PC | 492 Hudson Ave P O Box 717, STILLWATER NY, 12170 | 23.1 Miles | (518) 664-8918

Specialities: General Dentistry | Gender: Male | Languages Spoken: Arabic, English, Spanish,

French | Accepting New patients : Yes | Board Certified : No

Szymczak, Robert S | Robert Szymczak Family Dentistry | 116 County Highway 155, BROADALBIN NY, 12025 | 8.5 Miles | (518) 883-8585

Specialities: General Dentistry | Gender: Male | Languages Spoken: English | Accepting New patients:

Yes | Board Certified : No

McNeel, Sendra | Dahlia Dental | 4298 State Highway 30, AMSTERDAM NY, 12010 | 9.6 Miles | (518) 842-0800

Specialities: General Dentistry | Gender: Female | Languages Spoken: English | Accepting New

patients: Yes | Board Certified: No

Oral & Maxillofacial Surgery

Fox, John M | Dr John M Fox | 101 E State St, GLOVERSVILLE NY, 12078 | 14.2 Miles | (518) 725-4216

Specialities: Oral & Maxillofacial Surgery | Gender: Male | Languages Spoken: English, Spanish |

Accepting New patients: Yes | Board Certified: Yes

Garcia Rivera, Hiram A | Dr John M Fox | 101 E State St, GLOVERSVILLE NY, 12078 | 14.2 Miles | (518) 725-4216

Specialities: Oral & Maxillofacial Surgery | Gender: Male | Languages Spoken: English, Spanish |

Accepting New patients: Yes | Board Certified: No

Welss, Stephanie R | Dr John M Fox | 101 E State St, GLOVERSVILLE NY, 12078 | 14.2 Miles | (518) 725-4216

Specialities: Oral & Maxillofacial Surgery | Gender: Female | Languages Spoken: English, Spanish |

Accepting New patients: Yes | Board Certified: No

Wadhwa, Gurinder S | Hometown Health Centers Dental at McClellan St | 600 Mcclellan St Dental Suite, SCHENECTADY NY, 12304 | 22 Miles | (518) 370-1441

Specialities: Oral & Maxillofacial Surgery | Gender: Male | Languages Spoken: English, Hindi,

Panjabi | Accepting New patients : Yes | Board Certified : Yes

Pediatric Dentistry

Koster, Karissa R | McDonnell and McMahon Pediatric Dentistry PLLC | 713 Pierce Road, CLIFTON PARK NY, 12065 | 20.2 Miles | (518) 373-1181

Specialities: Pediatric Dentistry, General Dentistry | Gender: Female | Languages Spoken: English |

Accepting New patients: Yes | Board Certified: No